

Application No.: 09/841,475**Atty Docket: FATB 1000-1****REMARKS**

Claims 1-22 and 27-56 are currently pending in this application. The Examiner has rejected claims 1-22, 27-32 and 34-56 and has objected to claim 33.

Claims 1-29, 32, 34-51 and 53-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olivier (U.S. Patent No. 6,480,885, hereafter "Olivier"). Claims 30-31 and 52 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Olivier, as applied to claims 1-29, 32, 34-51 and 53-54, in further view of Stirpe et al. (U.S. Publication No. 20020087496, hereafter "Stirpe"). Claim 33 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

Technology Tutorial and Interview Report

On January 12, 2006, Applicants conducted a telephonic interview with the Examiner. The Examiner's attention and courtesy are greatly appreciated. We covered the ground suggested in the response to office action submitted on December 8, 2005. In particular, we discussed this disclosure and Olivier, making the point that we do not see any similarity between the two.

During the interview, we discussed claim 1. We learned that the abstraction "tracking data" unnecessarily complicated examination. While the claim defined tracking data, it became apparent that saying what we were collecting without labelling it "tracking data" could clarify the claims without narrowing them.

In addition, the Examiner embraced automatic, client-side data collection. That limitation has been added to several of the independent claims.

No agreement was proposed or reached, but it seemed as if the amendments would readily distinguish over the art of record.

Further Telephone Contact

On February 6, 2006, Applicants had a further brief conversation with the Examiner regarding non-entry of the preliminary amendment submitted by facsimile transmission on January 30. We also discussed claims 34 and 54. The Examiner suggested further reference in these claims to registration of persons on the user's buddy list. He mentioned art related to collection of data for advertising purposes.

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Applicant's counsel indicated that published applications assigned to Gator Corporation and Claria Corporation might be among the advertising-related art that the Examiner had in mind, as they had done extensive work on client-side data collection.

No agreement was reached, but Applicant indicated an interest in filing this second preliminary amendment, making further changes to claims 34 and 54, in the interest of expedited examination.

Preliminary Amendment

Applicants further amend independent claims 1, 34, 54 and 55 in this second preliminary amendment.

Many of the amendments collapse the definition of tracking data, using the description of data tracked and eliminating the intermediate abstraction. Applicants urge that the claims are not narrowed by this sort of amendment, only made easier to read.

Regarding automatic, client-side collection of data, Applicants believe that this amendment is fully supported by the originally submitted specification. We have no intent of introducing new matter by any of the amendments.

At least some amendments collapse into one from two elements the actions of tracking experiences and publishing them to "buddies" based on the pre-defined rights of the buddies, set by the person whose experience is being shared. This, more likely, expands rather than narrowing the claims.

Amendments to claim 54 refer to responding to requests from a user to authorize persons on their buddy lists to receive data, as suggested by the Examiner.

Amendments to claim 34 reemphasize providing tools for a user to search and annotate, using a tracking server, tracking data automatically collected using a client-side application. This is different from the advertising-related data collection that the Examiner mentioned in our telephone conversation, because the advertisers typically do not share the raw data with the persons from whom they collect data or allow annotation with a server-provided annotation tool.

CONCLUSION

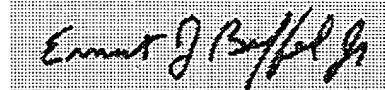
Applicants respectfully submit that the pending claims, as amended, are now in condition for allowance and thereby solicit acceptance of the claims as now stated.

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Applicants request a further, briefer interview, after the Examiner has had a chance to consider these preliminary amendments after RCE. The undersigned can ordinarily be reached at his office at (650) 712-0340 from 8:30 a.m. to 5:30 p.m. PST, Monday through Friday, and can be reached at his cell phone at (415) 902-6112 most other times.

Respectfully submitted,



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